happen or it does happen as a result of the water transfer, the cost that we're going to have over the next decades are going to far outweigh the cost that we would have had to save the Sea in the first place.

So we will have lost a great resource and we will continue to have the tremendous cost involved with that. Solution for the water transfer really has to be a win-win situation for everybody for it to be successful. P3-6

Imperial County residents and any affected workers or businesses have to be adequately considered, and I don't believe the EIS/EIR adequately considers those particular costs. And I'm concerned about how it addresses the economic concerns of our county and the people that live here. Impacts of this nature will be significant and long-lasting and it has to be adequately mitigated. P3-7

So those are the two areas of my concerns. I know that there are great efforts being done here locally to deal with the economic area of this and we're going to continue to address that, but this particular document does not do an adequate job of addressing the economic concerns as well as some of the environmental concerns that surround the Sea, P3-8

and especially concerning the air quality impact that could occur if the Sea is allowed to shrink in size and the impact that that's going to have on our valley as a whole as well as the Coachella Valley. P3-9

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Response to Comment P3-7

We believe the EIR/EIS is a good faith and reasonable effort to identify and assess the socioeconomic impacts of the Project based upon available information and assessment methods. Impacts to farm workers and businesses in Imperial County are included in the EIR/EIS in Section 3.14, Socioeconomics. In addition, the environmental justice section of the Draft EIR/EIS has been revised. This change is indicated in this Final EIR/EIS in subsection 3.15 under Section 4.2, Text Revisions.

Response to Comment P3-8

See response to Comment P3-7.

Response to Comment P3-9

Please refer to the Master Response on *Air Quality—Salton Sea Air Quality Monitoring and Mitigation Plan* in Section 3 of this Final EIR/EIS.

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MS. CARD: Thank you, Mr. Wyatt.

Next, George Ray. And then Bill DuBoy -- DuBois --

MR. DUBOIS: DuBois.

MS. CARD: DuBois, thank you.

MR. RAY: I'm George Ray. I reside at 605 East Beal Road, Niland, California. I'm a farmer -- fish farmer. I have submitted more detailed written comments already and basically I have a two-part presentation, one dealing with concerns of the EIR/EIS and then also an alternative proposal. So if there's time later on, I'll reserve that part for a later opportunity.

I'm resigned to the fact that agriculture will likely lose even more of IID's water entitlement. Already over 100,000 feet of IID's water entitlement now goes to MET water service area to benefit economic developments there rather than the Imperial Valley. P3-10

With the proposed San Diego County Water Authority water transfer and the proposed quant- -- Quantification Settlement Agreement we stand to lose in-valley use of another 300,000 acre-feet of water. It is important that environmental mitigation related to this transfer be reasonable and affordable. P3-11

The draft EIR/EIS documents are lacking in many respects. The draft EIR/EIS does not adequately recognize P3-12

Response to Comment P3-10

The Proposed Project does not provide for the transfer or termination of IID's historic water entitlement to Colorado River water. IID will transfer only the right to use certain amounts of water, not the water right or entitlement, to SDCWA, CVWD, or MWD for the term of the applicable transfer agreement. Upon expiration or termination of the agreement term, the right to use the water reverts back to IID.

Response to Comment P3-11

Comment noted.

Response to Comment P3-12

The HCP employs both habitat-based and species-specific conservation strategies for species covered under the HCP. The habitat-based strategies conserve species that exhibit high mobility, adaptability and fluctuating populations through the creation or acquisition of on-site replacement habitat of equal or greater quality and quantity than that which would be adversely affected under the Proposed Project. The overall conservation strategy for the IID HCP is to maintain or increase the value (amount and/or quality) of each habitat in the HCP area in addition to implementing measures to minimize direct effects to covered species from O&M and construction activities. The habitat-based conservation approach is suitable for the majority of species covered under the HCP. It is augmented by species-specific treatment for individual species (i.e., burrowing owls, desert pupfish, razorback sucker) that are not easily accommodated by the habitat approach. Therefore, contrary to the assertion made in the comment, the IID HCP would not benefit some species to the detriment of others.

Under existing conditions, the majority of habitats in the IID water service area and Salton Sea are composed primarily of invasive, non-native plant species such as tamarisk (also known as salt cedar). Under the HCP, impacts to tamarisk scrub habitat will be mitigated through creation or acquisition of native tree habitat consisting of mesquite bosque or cottonwood-willow habitat. Impacts to drain vegetation will be mitigated through the creation of managed marsh consisting of native cattail/bulrush vegetation. Therefore, the HCP does not advocate the further spread of exotic species that are already well established in the Project region of influence. In addition to exotic vegetation, the

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natural fluctuations in wildlife populations, the adaptability and mobility of some wildlife species. Most of the proposed mitigation measures of the EIR/EIS benefit some wildlife species to the detriment of other wildlife species several mitigation proposals, but yet this relationship is not adequately acknowledged, identified or discussed.

Several mitigation proposals in the draft EIR/EIS advocate the spread of such exotic species likes tamarisk, a shrub from the Mediterranean area, the hatchery production of tilapia, a fish from Africa, and mitigation for the black-skimmer, a species not reported in California until 1962 and in the Salton Sea area until five years later. Why are government officials promoting these exotic species? The IID should not be a party of such projects.

Approach 1 of the EIR/EIS, Section 2.2.6.7, the implementation specifically entitled "Hatchery and Habitat Replacement" is seriously flawed. This is the section calling for the construction and operation of a tilapia hatchery by IID. The tilapia hatchery is not for the purpose of recreational fishing, not for the benefit of fish but for the benefit of the birds. According to the draft EIR/EIS this approach was proposed by U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Exactly what is the problem with the tilapia hatchery proposal? Tilapia, although they have a high

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Response to Comment P3-12 (continued)

comment suggests that black skimmers are exotic species. Black skimmers have undergone a natural range expansion in California since 1962. Because black skimmers were not introduced to the Salton Sea and began breeding there without human intervention, they are not considered an introduced species.

The comment also suggests that HCP Approach 1 is flawed because it contemplates the use of hatchery production to provide a forage base for fish-eating birds rather than to support the recreational fishery. In addition, the comment raises potential concerns about the use of tilapia in the ponds during periods of cool temperatures. The focus of the HCP was to mitigate impacts resulting from the incidental take of covered species. The primary impact to covered species using the Sea was the accelerated loss of fish. In addition, since the release of the Draft EIR/EIS and HCP, IID has removed HCP Approach 1 from further consideration and opted to pursue an approach that would offset the Project-related reductions in inflow to the Sea until 2030. See the Master Response for *Biology —Approach to the Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS. The Salton Sea Habitat Conservation Strategy would maintain surface elevations and salinity at the Sea similar to those projected under the Baseline. It also would avoid impacts to the recreational fishery and eliminate the water temperature concerns associated with HCP Approach 1.

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tolerance for a wide range of water salinity levels, they do not have a wide tolerance for a wide range of water temperatures. The tilapia immune system does not function well at temperatures around 60 degrees Fahrenheit and below. When exposed to low temperatures for a few days, tilapia begin to die, usually from parasites and other diseases.

Tilapia seldom survive through the 1st of January in the IID irrigation delivery canals, the New River, the Alamo River, or in my ponds, which average about four feet deep. Only during unusually warm weather will tilapia survive in these systems throughout our winter months. Some tilapia do, however, survive here in the valley, but these tilapia survive only in warm water associated with tile drains, springs or wells and, as you know, the Salton Sea.

Why are tilapia able to survive in the Salton Sea during the winter? I don't have a definitive scientific answer to that question, but probably because of the combination of three factors: The water in the Salton Sea does not get as cold as water in shallow ponds and most IID canals; the high salt level may help protect tilapia from parasites and disease; and thirdly, tilapia probably retreat to refuges where the water is warmer than the rest of the Salton Sea. This warmer water may be the result of incoming warm water drains, undersea warm water springs or wells, or geothermally-heated sea bottoms.

P3-12

We know the Salton Sea will get saltier and eventually normal recruitment of tilapia will cease in the Salton Sea. Recruitment will fail because first because of poor fry survival, egg damage and eventually lack of spawning activity. But the question I raise is what will happen to the large population of tilapia in the Salton Sea as a result of the drop in the average water temperature that will occur when the level of the Sea begins to drop?

P3-13

There's no discussion in the draft EIR/EIS regarding this issue of water temperature and sustainability of tilapia in the Salton Sea. There is no discussion in the draft EIR/EIS regarding winter survival of tilapia in the proposed 5,000 acres of shallow fish ponds. The draft EIR/EIS does not address the problems and the cost of operating a tilapia hatchery with heated water during the winter.

P3-14

Additionally, 5,000 acres of ponds are required to use first-use canal water rather than drain water or river water -- no reclaimed water. So much for conservation. The 5,000 acres of ponds are to be sited on protective farmland rather than exposed seabed. So much for conservation.

P3-15

MS. CARD: Mr. Ray, I have to ask you to wrap up, please. Thank you.

MR. RAY: It's not just San Diego that wants our water. The U.S. Fish and Wildlife Service and the California

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Response to Comment P3-13

The comment correctly identifies water temperature as an important determinant of fish health. While the EIR/EIS focuses on salinity as the most likely factor influencing the ability of the fishery to be sustained in the Salton Sea, water temperature also could contribute alone or synergistically to rendering the Sea unsuitable for fish. Under the Salton Sea Habitat Conservation Strategy, no reduction in inflow attributable to the Proposed Project would occur until after 2030, when fish are not projected to remain in the Salton Sea under the Baseline. Thus, this strategy would avoid water temperature and other potential effects to fish attributable to water conservation and transfer. See the Master Response for *Biology—Approach to Salton Sea Habitat Conservation Strategy* in Section 3 of this Final EIR/EIS.

Response to Comment P3-14

See response to Comment P3-13.

Response to Comment P3-15

Since the development of the approaches described in the HCP and Draft EIR/EIS, IID has eliminated the HCP Approach 1 from further consideration. Please see the Master Response for *Biology—Approach to the Salton Sea Conservation Strategy* in Section 3 of this Final EIR/EIS.

Response to Comment P3-16

Comment noted.

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P3-18

Department of Fish and Game are just as eager to stake their claim to the water in our farmlands.

One other point I need to raise. There is a detailed HCP for pupfish. And tilapia are probably the greatest threat to pupfish than any wildlife species here in the valley, including fish-eating birds.

Thank you.

MS. CARD: Thank you.

Bill DuBois. And then Don Cox.

MR. DU BOIS: Thank you.

My name is Bill DuBois. I'm a landowner and just west of El Centro here I own a piece of ground that -- part of which my grandfather purchased in 1917. And it took my grandfather and my father's life and half of mine to get the note paid off on it. We got the note paid off about 1965. And that represents a long line of family history and an estate is the effort of those lives.

And so it's of some importance to me not to have our water rights frittered away. And I consider that this thing does damage our water rights. The part of it that worries me the most, though, is the liability that may accrue to us because of the demise of Salton Sea or the demise of the present value of the Salton Sea.

I'm afraid we'll be held responsible for it. We were held responsible when the Sea rose and the property

Response to Comment P3-17

The comment speculates on the potential effects of exotic species (e.g., tilapia and bass) on populations of desert pupfish in the drains. The HCP describes competition and predation by exotic species as potential factors influencing the status of the desert pupfish population in the drains. The intent of this discussion was to provide the reader with the background necessary to understand the context within which the impacts were evaluated. While it has been hypothesized that competition or predation by exotics could adversely affect pupfish, studies conducted by Sutton (1999) also suggest that pupfish appear to survive well in certain drains that also contain populations of exotic fish. It is likely that the habitat characteristics (e.g., vegetation structure) also play an important role in the suitability of pupfish habitat.

Response to Comment P3-18

The commentor notes that IID should not proceed with the Project unless it is indemnified and protected from unanticipated problems. The EIR/EIS process is designed to identify, to the extent possible, the Project impacts and appropriate mitigation measures. We note that the Implementation Agreement for the HCP is expected to limit liability for unforeseen circumstances pursuant to the "No Surprises Rule" implementing Section 10 of the federal ESA. It is anticipated that the IID Board will evaluate the risks and costs of the Project before committing to proceed and that farmers will evaluate the advantages and disadvantages in the voluntary on-farm program before deciding to participate. Also see response to Comment P3-10 for information on IID's water rights.

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P3-18

owners around there sued us and collected from the Irrigation District and we paid the bill. People that used water paid the bill. And when the Sea lowers, I have an idea the same thing will happen and they'll probably sue the District and the water users will have to pay the bill again. That's not a happy prospect to us.

P3-19

I made the mistake of reading the whole EIR/EIS. I don't know what there is, 4,000 pages, maybe, or something like that. And because of that I can't comment as well on the principal problems that I have with it as I can on the details of it.

And the details are -- they range all the way from being as ridiculous as the fact that it says that Holtville has train service when there are no tracks. And I don't think there have been any tracks to Holtville for 10 years. So that's -- you know, there's no question about that. That's not true.

But there are many other things that border, maybe, on being true, statements like market-based, voluntary, without impairing, stabilized, competitive, to settle by agreement long-standing disputes. None of those are true. They're partially true. This thing is no more voluntary than the man in the moon. The District borrowed money already and the water-users got to pay it back.

P3-20

Now for some strange reason I favor the transfer

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Response to Comment P3-19

The Draft EIR/EIS has been revised, and the reference to train service to Holtville has been removed. This change is indicated in this Final EIR/EIS in subsection 3.13 under Section 4.2, Text Revisions.

Response to Comment P3-20

It is anticipated that the IID Board will consider the availability of funds for implementation of the conservation programs as well as the costs of required mitigation measures in deciding whether to approve the Proposed Project or an alternative to the Proposed Project.

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but not under the circumstances that it is presented to us by the agreement. I think it's utterly -- well, I won't say ridiculous because the people that did this thing are not ridiculous people. They're serious-minded people. But I can't understand why they made the intimation that we had money enough here to produce this water and then they would pay for it after they got it.

We don't have that kind of money. The District doesn't have any money except borrowed money in our water department. And they can't even finance the system improvements that they need to do.

If I'm wrong, Andy, speak up.

And then the farmers have got to borrow all that money, too, unless there's some farmers around here that got ready cash, and if there are, they're not acquaintances of mine, or at least they're awfully quiet about it.

I think that I will make an effort -- I have 19 pages of printed notes here that I could turn over to you but I think you'd probably like it in a little bit smoother shape than that and I'll see if I can do that in the allotted time and turn it over to you.

So thank you very much.

MS. CARD: Thank you, Mr. DuBois.

Next, Don Cox. And then following Mr. Cox, Larry Gilbert.

Response to Comment P3-21

It is anticipated that the IID Board will evaluate the risks and costs of the Project before committing to proceed and that farmers will evaluate the advantages and disadvantages of the voluntary on-farm program before deciding to participate.

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MR. COX: Good evening. My name is Don Cox. I've lived here and farmed in the valley since 1952. I've got a degree in agricultural economics at Berkeley and I sat on the IID board for 12 years and I was on the Salton Sea ATA for about 10 years. So I'm a little familiar with the subject.

I'm going to not say whether I think the transfer is good or not. I'm basically going to try to keep this to where I think there's problems with the EIR. And unfortunately my glasses are such -- and this thing is kind of technical so I'm going to read this.

P3-22

I feel that the EIR is not complete. It doesn't address the effect of the water transfer on the restoration program to the Salton Sea. And purposely they say in the EIR that they're not going to address the restoration program and which to me I think is really flawed.

And the restoration program is going to affect many things with the use of our water, what we can do with the water, and how much water is needed for the restoration program. And I don't see how a coherent decision can be made without getting into it.

I understand it's not complete but it's complete enough that we know what the principals are, and I don't know what is holding that thing up. It's been pretty well known for over a year now of what the preferred program is

Response to Comment P3-22

Refer to the Master Response on *Other—Relationship Between the Proposed Project and the Salton Sea Restoration Project* in Section 3 of this Final EIR/EIS.

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going to be.

So anyway, without the restoration program the Sea will eventually go through the death process and the IID could end up having to implement and finance something similar to the HCP-1 where we have to build a fish hatchery and lakes and all of those kind of things. And at that time, this may be 10 or 15 years down the road, if we go

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ahead with HCP-2 and fallow the grounds and keep the same amount of water going to the Sea, that the Sea is still going to be salty enough and it will eventually go through the death process that it's headed for now.

So there has to be a restoration program that goes along with HCP-2 to save the Sea. And it's not being addressed in the EIR.

P3-24

The IID is set to transfer 300,000 acre-feet of water. If the HCP-2 option is used to generate the transfer water and fallowing is used, it would idle 75,000 acres of ground and another 25,000 acres that would be for the transfer, and another 25,000 acres of land for the restoration effort. And you don't have to be a mathematician to add that up that that's a lot of land. And more than we should be doing.

And so the point being, that this is more land than is reasonable, and maybe the best solution would be to transfer less water and sell some water to the government to

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Response to Comment P3-23

Refer to the Master Response on *Other—Relationship Between the Proposed Project and the Salton Sea Restoration Project* in Section 3 of this Final EIR/EIS.

Response to Comment P3-24

Comment noted.